

Special Report on the

# State's Compliance with Public Law 109-13 (the "REAL ID Act of 2005")

As of July 2008

Department of Public Safety  
State of Alabama  
Montgomery, Alabama

Filed: July 25, 2008



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*Ronald L. Jones, Chief Examiner*

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Ronald L. Jones  
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Honorable Ronald L. Jones  
Chief Examiner of Public Accounts  
Montgomery, Alabama 36130

Dear Sir:

Under the authority of the *Code of Alabama 1975*, Section 41-5-14, I hereby submit this special report on the current status of the State's compliance with the REAL ID Act of 2005 as of July 2008.

**SCOPE AND OBJECTIVE**

The purpose of my review was to determine the State's current level of compliance with Public Law 109-13, (the "REAL ID Act of 2005"), using regulations established by the U. S. Department of Homeland Security, hereinafter referred to as the "USDHS".

**COMMENTS**

In response to the recommendations of the 9/11 Commission, Congress enacted the REAL ID Act in May 2005. Under the Act, Federal agencies are prohibited from accepting a driver's license or a State-issued personal identification card for an official purpose unless the issuing State is meeting the requirements of the Act. "Official purpose" is defined under Section 201 of the Act to include access to federal facilities, boarding federally-regulated commercial aircraft, entry into nuclear power plants, and such other purposes as established by the Secretary of Homeland Security.

Section 205(b) of the Act authorizes the Secretary of Homeland Security to grant extensions to States that provide adequate justification for their inability to comply by the statutory deadline of May 11, 2008. The Act does not, however, give the USDHS the authority to waive any of the mandatory minimum standards set forth in the Act. Alabama, along with all other States choosing to comply with the REAL ID Act, received an extension which expires December 31, 2009.

Due to the magnitude of the task of replacing driver's licenses and identification cards currently being issued with REAL ID-compliant driver's licenses and identification cards, the USDHS developed a "rolling" timeline for compliance. The USDHS has decided to allow States to obtain an extension beyond December 31, 2009. However, this second extension will only be granted to those States that demonstrate that they have achieved certain milestones toward compliance with the Act and the Final Rule, the most recent of which was released January 11, 2008. States unable to demonstrate this progress by December 31, 2009 will not be able to receive an additional extension, and at that point, the citizens of that State will no longer be able to use their state-issued driver's license or identification card for official purposes, i.e. boarding a federally regulated airplane, entering a federal facility, etc. The USDHS has identified 18 milestones that States must certify they have met in order to obtain an extension of the compliance deadline beyond December 31, 2009. These 18 milestones are contained in 6 CFR Part 37.11 and are the criteria used in determining the State's current status of compliance with the REAL ID Act of 2005 (see Exhibit 1).

It should be noted that the 18 milestones measure material compliance so that a State is eligible to receive an additional extension until May 11, 2011; they do not measure whether the State is in full compliance with the REAL ID Act. There are 21 additional milestones for full compliance with REAL ID regulations. Comments are still being taken on these 21 milestones, so they are not yet official. However, these milestones in some format are expected to be adopted (see Exhibit 2).

The USDHS determined that the most logical option to reduce the significant operational burden on the States is to allow States to divide their license-bearing population into groups and re-issue REAL ID-compliant identification through a two-phased enrollment. This approach is intended to reduce the operational burdens on States, which otherwise would have to re-issue licenses to the majority of their license-bearing populations within two years for States requiring and obtaining extensions until May 11, 2011. The USDHS also determined that a phased enrollment based on age is consistent with the intent of the REAL ID Act by focusing the first phase of enrollment on the population of persons that may have a higher propensity to obtain and use fraudulent identification.

To determine a logical age to use as a cut-off point for a two-phased enrollment, the USDHS determined, based on comments received and statistical analysis of incident reports obtained from the Transportation Security Administration (TSA), that solely for purposes of establishing an age-based enrollment for compliance with the REAL ID Act, the logical point of division would be to allow States to defer enrollment for persons over the age of fifty. The statistical analysis supporting this determination was conducted by the USDHS, using TSA incident reports identifying persons arrested or detained for use of fraudulent identification at TSA screening areas during the period October 1, 2004 through July 25, 2007. This analysis roughly indicates that persons over the age of fifty were less likely to be involved in TSA-related law enforcement incidents involving false or fraudulent identification. This means that once a State certifies compliance with the REAL ID Act the State may focus enrollment first on issuing REAL ID-compliant cards to individuals born after December 1, 1964 (those who will be less than fifty years of age as of December 1, 2014, the date of full compliance). States may delay the full enrollment of persons born on or before December 1, 1964, for three additional years, until December 1, 2017.

The USDHS determined that this approach balances the security objectives of improving the reliability of identification documents presented for official purposes, including the boarding of commercial aircraft, with the needs of the States to spread out their compliance costs over a greater period of time and to obtain the necessary legal and budgetary approval from within their States to comply with the regulations.

Based on the needs of their citizens, states may elect to issue only REAL ID compliant driver's licenses and identification cards, only non-compliant driver's licenses and identification cards, or both compliant or non-compliant driver's licenses and identification cards. Although Alabama has not adopted a resolution at this time, the State of Alabama Department of Public Safety, is the state agency responsible for implementation of the REAL ID Act. The State is considering offering citizens a choice of a fully compliant driver's license or identification card, or a non-compliant driver's license or identification card. The license or card will contain a designation on the face of the card indicating whether or not it is a compliant or non-compliant license or identification card.

Changes have been made in the State's drivers' licenses in the last decade that have enhanced the security of the State's drivers' licenses by making it more difficult for counterfeit licenses to be produced. Since 1997, Alabama driver licenses have contained a "2D barcode" on the back of the license which contains the demographic information shown on the front of the card. In 2005, Alabama added a magnetic strip to the back of licenses which contain the same information as the front of the card and the 2D barcode on the back of the card. These additions to the State's licenses and identification cards comply with the REAL ID Act of 2005; however, they were not made because of the REAL ID Act. The State made these changes in an effort to make Alabama licenses more secure, to increase the difficulty of a person obtaining a counterfeit or fraudulently obtained driver license or identification card, as well as to adapt the Alabama licenses to new technology. For instance, the changes have also enabled State Troopers assigned to Highway Patrol to use a computer to issue traffic citations. Highway patrol cars are equipped with computers and card readers that enables a State Trooper to "swipe" a driver's license through a card reader, input the traffic violation information, and print the ticket for the driver while simultaneously transferring the citation information to the court system.

Because the changes to the actual license or identification card were made coincidental to the REAL ID Act, the Department of Public Safety has not separately captured the costs associated with these changes. The Department of Public Safety did not provide the actual costs incurred thus far in the State's compliance with the REAL ID Act, except for federal grant money from the USDHS, which is discussed in the following paragraph.

The State has received \$250,000 in federal grant money to assist in the implementation of the REAL ID Act. The State paid \$141,727.00 of these funds to the Digimarc Corporation for software to modify the Alabama Driver's License System to incorporate applicant address verification into the system to meet federal requirements (Milestone 4) and \$65,000.00 of these funds to the Digimarc Corporation for software to modify the Alabama Driver's License System to meet social security administration security requirements (Milestone 8).

In addition to the \$250,000.00 grant discussed above, the State applied for REAL ID Demonstration Grant funds from the USDHS in the amount of \$8,482,478.30. The awards were announced June 20, 2008, and of the \$8,482,478.30 for which Alabama applied, the State was awarded only \$500,000. Even though the funds were awarded June 20, 2008, the Department of Public Safety does not know when the funds will be received.

The current estimate prepared by the Department of Public Safety of proposed costs to implement the REAL ID Act is outlined below:

<b>Vendor Costs</b>	<b>Activity</b>	<b>Amount</b>
	REAL ID Compliant Card Design and Production (1,200,000 x \$3.50)	\$ 4,200,000
	Data Management Storage System	1,110,656
	143 Document Authentication Systems for Statewide Implementation (hardware, software, installation, and training)	928,000
	Business rule application software modifications and document scanning integration with all purpose workstations (system analysis, software, installation, and training)	750,000
	Applicant Data Verification (1,200,000 x \$.60)	720,000
	System Interfaces to Federal Databases	425,000
	143 ID Document Scanning System for Exam and Laptop Implementation (hardware, software, installation, and training)	320,000
	Annual Maintenance:	
	Year 1	190,790
	Year 2	251,569
	Year 3	260,026
	Year 4	278,977
	Year 5	288,455
Total Vendor Costs		9,723,473
DPS Costs	Additional Staff	3,132,862
	Additional Facilities	1,884,623
	DPS Programming Costs	1,000,000
	Security Upgrades	500,000
	Public Awareness Campaign	90,000
Total DPS Costs		6,607,485
TOTAL COSTS		\$16,330,958

## **CONCLUSION**

Based on information furnished by the State of Alabama Department of Public Safety, the State of Alabama is currently authorized an extension until December 31, 2009 at which time the State will have to demonstrate compliance with 18 milestones to receive an additional extension until May 11, 2011. If the State cannot demonstrate compliance with the 18 milestones by December 31, 2009, the State will be found to be non-compliant with the REAL ID Act, and at that time, driver's licenses and identification cards issued by Alabama will not be accepted for official purposes. If the State can demonstrate compliance with the 18 milestones on or before December 31, 2009, the State will be granted an additional extension until May 11, 2011. During the period of January 1, 2010 through May 11, 2011, the State, having met compliance with the initial 18 milestones of the REAL ID Act, will concentrate on full compliance of the REAL ID Act by meeting the remaining 21 milestones of the REAL ID Act. Also, at May 11, 2011 (or before if the 18 initial milestones are met before that time) the State will begin issuing REAL ID compliant driver's licenses and identification cards to citizens born after December 1, 1964. All persons wishing to have a REAL ID compliant driver's license or identification card who are born after December 1, 1964 should have one by December 1, 2014. The State will have until December 1, 2017 to issue REAL ID-compliant driver's licenses or identification cards to citizens born on or prior to December 1, 1964, who wish to possess a REAL ID-compliant driver's license or identification card. The State is considering offering citizens the option of either a fully compliant driver license or identification card or a non-compliant driver license or identification card.

Currently, based on representations and information furnished by the Department of Public Safety, the State appears to be in compliance with ten of the 18 milestones necessary for material compliance with the REAL ID Act and for an additional extension until May 11, 2011; partially compliant with two of the 18 milestones; and not compliant with six of the 18 milestones. Of the six milestones with which the State is not compliant, the State is awaiting the availability of federal databases for two of the milestones and awaiting an approved security marking from the USDHS for a third milestone. Finally, it appears the State is in compliance with five of the 21 additional milestones measuring full compliance with the REAL ID Act.

Sworn to and subscribed before me this  
the 21<sup>st</sup> day of July, 2008.

Gail Taylor  
Notary Public

Respectfully submitted,

Elaine B. Merritt CPA

Elaine B. Merritt, CPA  
Examiner of Public Accounts

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***USDHS Compliance Requirements***  
***(18 Requirements to Obtain Extension until May 11, 2011)***

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<b>Milestone Number</b>	<b>6 CFR Section #</b>	<b>Compliance Requirement</b>	<b>Current Status (*)</b>	<b>Barriers To Compliance/Comments</b>
1	37.11(a)	Subject each applicant to a mandatory facial image capture and retain such image even if a driver license (DL) or identification card (ID) is not issued.	Compliant	N/A
2	37.11(b)	Have each applicant sign a declaration under penalty of perjury that the information presented is true and correct and the State must retain this declaration.	Compliant	N/A
3	37.11(c)(1)	Require an individual to present at least one of the source documents listed in subsections (i) through (x) when establishing identity.	Compliant	See Note 1 for a list of acceptable documents.
4	37.11(d)-(g)	Require documentation of date of birth, social security number, address of principal residence, evidence of lawful status.	Partially Compliant	Currently, the State does not require proof of principal residence. DPS does intend to comply with this measure by 12/31/2009.
5	37.11(h)	Have a documented exceptions process that meets the requirements established in 37.11(h)(1)-(3) - (if States choose to have such a process).	Not Compliant	The State does plan to have an exceptions process; however, it has not been developed.
6	37.13(a)	Make reasonable efforts to ensure that the applicant does not have more than one DL or ID already issued by that State under a different identity.	Compliant	During the initial application process, a search is conducted through the Digimarc system for other issuances.
7	37.13(b)(1)	Verify lawful status through SAVE or another method approved by DHS.	Not Compliant	SAVE is the <u>S</u> ystematic <u>A</u> lien <u>V</u> erification for <u>E</u> ntitlements system. Currently, Alabama is not capable of interfacing with this system; however, Digimarc is working on this. The Department of Public Safety expects to be able to utilize SAVE within the next 90 days.

(\*) As of July 1, 2008

***USDHS Compliance Requirements***  
***(18 Requirements to Obtain Extension until May 11, 2011)***

<b>Milestone Number</b>	<b>6 CFR Section #</b>	<b>Compliance Requirement</b>	<b>Current Status (*)</b>	<b>Barriers To Compliance/Comments</b>
8	37.13(b)(2)	Verify Social Security account numbers with the Social Security Administration or another method approved by DHS.	Not Compliant	The State currently verifies this information using SSOLV ( <u>S</u> ocial <u>S</u> ecurity <u>O</u> n- <u>L</u> ine <u>V</u> erification) for first-time applicants only. All applicants for a REAL ID will be subjected to this verification before January 2010.
9	37.15(b)	Issue DLs and IDs that contain Level 1, 2 and 3 integrated security features.	Compliant	<u>Level 1</u> - cursory examination, without tools or aids involving easily identifiable visual or tactile features, for rapid inspection at point of usage. <u>Level 2</u> - Examination by trained inspectors with simple equipment. <u>Level 3</u> - Inspection by forensic specialists.
10	37.17(a)-(1)	Surface of cards include the following printed information in Latin alpha-numeric characters: full legal name; date of birth; gender; unique DL/ID number; full facial digital photograph; address of principal residence (with exceptions); signature (with exceptions); date of transaction; expiration date; state or territory of issuance.	Compliant	N/A
11	37.17(n)	Commit to marking fully compliant DLs and IDs with a DHS-approved security marking.	Not Compliant	DHS has not yet released the approved security marking.
12	37.21	Issue temporary or limited-term licenses to all individuals with temporary lawful status and tie license validity to the end of lawful status.	Compliant	N/A
13	37.41	Have a documented security plan for DMV operations in accordance with the requirements set forth in §37.41.	Not Compliant	See Note 2 for the minimum requirements of this plan.

(\*) As of July 1, 2008

***USDHS Compliance Requirements***  
***(18 Requirements to Obtain Extension until May 11, 2011)***

<b>Milestone Number</b>	<b>6 CFR Section #</b>	<b>Compliance Requirement</b>	<b>Current Status (*)</b>	<b>Barriers To Compliance/Comments</b>
14	37.41(b)(2)	Have protections in place to ensure the security of personally identifiable information.	Compliant	
15	37.41(b)(5)(i)-(ii)	Require all employees handling source documents or issuing DLs or IDs to attend and complete the AAMVA approved (or equivalent) fraudulent document recognition training and security awareness training.	Compliant	Driver license examiners attend annual training at the Alabama Criminal Justice Training Center and fraudulent document recognition training and security awareness training is included in this curriculum. New driver license examiners do not handle source documents until after they have completed the training.
16	37.45	Conduct name-based and fingerprint-based criminal history and employment eligibility checks on employees in covered positions or an alternative procedure approved by DHS.	Compliant	The Department of Public Safety checks all prospective driver license employees through the National Crime Information Center (NCIC) and the Automated Fingerprint Identification System (AFIS).
17	37.51(b)	Commit to be in full compliance with Subparts A through D on or before May 11, 2011.	Partially Compliant	The Department of Public Safety states that it is committed to full compliance by the due date.
18	37.71(a)(10)	Clearly state on the face of non-compliant DLs or IDs that the card is not acceptable for official purposes, except for licenses renewed or reissued under §37.27.	Not Compliant	Once REAL IDs are available within the State, the face of the card will indicate whether it is compliant or non-compliant with the REAL ID Act. This marking will be furnished by Digimarc.

(\*) As of July 1, 2008

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## *Notes to Exhibit 1*

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**Note 1** – To establish identity, the applicant must present at least one of the following source documents:

- i. Valid, unexpired U. S. passport.
- ii. Certified copy of a birth certificate filed with a State Office of Vital Statistics or equivalent agency in the individual's State of birth.
- iii. Consular Report of Birth Abroad (CRBA) issued by the U. S. Department of State, Form FS-240, DS-1350 or FS-545.
- iv. Valid, unexpired Permanent Resident Card (Form I-551) issued by USDHS or INS.
- v. Unexpired employment authorization document (EAD) issued by USDHS, Form I-766 or Form I-688B.
- vi. Unexpired foreign passport with a valid, unexpired U. S. visa affixed accompanied by the approved I-94 form documenting the applicant's most recent admittance into the United States.
- vii. Certificate of Naturalization issued by USDHS, Form N-550 or Form N-570.
- viii. Certificate of Citizenship, Form N-560 or Form N-561, issued by USDHS.
- ix. REAL ID driver's license or identification card issued in compliance with the standards established by this part.
- x. Such other documents as USDHS may designate by notice published in the ***Federal Register***.

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## *Notes to Exhibit 1*

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**Note 2** – Each State must submit a single security plan to address DMV facilities involved in the enrollment, issuance, manufacturing, and production of driver’s licenses and identification cards. At a minimum, the security plan must address the following:

1. Physical security for facilities used to produce driver’s licenses and identification cards and storage areas for card stock and other materials used in card production.
2. Security of personally identifiable information maintained at DMV locations involved in the enrollment, issuance, manufacture and/or production of cards issued under the REAL ID Act, including but not limited to reasonable administrative, technical and physical safeguards to protect the security, confidentiality and integrity of the personally identifiable information collected, stored and maintained in DMV records and information systems for purposes of complying with the REAL ID Act. These safeguards must include procedures to prevent unauthorized access, use, or dissemination of applicant information and images of source documents retained pursuant to the Act, standards and procedures for document retention and destruction, as well as a privacy policy regarding the personally identifiable information collected and maintained by the DMV. Any release or use of personal information collected and maintained by the DMV pursuant to the REAL ID Act must comply with the requirements of the Driver’s Privacy Protection Act, 18 USC 2721 *et seq.*
3. Document and physical security features for the card consistent with the requirements of §37.15, including a description of the State’s use of biometrics and the technical standard utilized, if any.
4. Access control, including employee identification and credentialing, including access badges, employee background checks in accordance with §37.45 of this part and controlled access systems.
5. Periodic training requirements in fraudulent document recognition training for all covered employees handling source documents or engaged in the issuance of driver’s licenses and identification cards and security awareness training, including threat identification and handling of SSI as necessary. “Covered employees” means Department of Motor Vehicles employees or contractors who are involved in the manufacture or production of REAL ID driver’s licenses and identification cards or who have the ability to affect the identity information that appears on the driver’s license or identification card. “SSI” means sensitive security information, which must be handled and protected in accordance with 49 CFR Part 1520.
6. Emergency/incident response plan.
7. Internal audit controls.
8. An affirmation that the State possesses both the authority and the means to produce, expunge and protect the confidentiality of REAL ID driver’s licenses or identification cards issued in support of Federal, State or local criminal justice agencies or similar programs that require special licensing or identification to safeguard persons or support their official duties. The Security Plan contains SSI and must be handled and protected in accordance with 49 CFR Part 1520.

## ***USDHS Proposed Compliance Requirements***

### ***(Remaining 21 Requirements for Full Compliance)***

<b>Milestone Number</b>	<b>6 CFR Section #</b>	<b>Compliance Requirement</b>	<b>Current Status (*)</b>	<b>Barriers To Compliance/Comments</b>
19	37.05(a)	Issue REAL ID DL/ID cards valid for a period not to exceed eight years.	Compliant	Currently the State has four-year renewals on driver's licenses and identification cards.
20	37.11(i)	Take sufficient steps in issuing REAL ID DL/ID cards to safeguard the identities of persons identified in §37.11(i).	Compliant	The State will undergo an information technology security review to verify compliance.
21	37.13(b)(3)	Verify birth certificates.	Not Compliant	The State is awaiting implementation of the <u>E</u> lectronic <u>V</u> erification of <u>V</u> ital <u>E</u> vents (EVVE) system, which will involve coordination with the Department of Public Health.
22	37.13(b)	Verify a U. S. passport, Consular Report of Birth Abroad, and U. S. Visa with accompanying valid I-94.	Not Compliant	The Federal database needed for this compliance requirement is not yet operational.
23	37.13(b)(5)	Verify REAL ID driver's licenses and identification cards with the State of issuance.	Not Compliant	The Federal database needed for this compliance requirement is not yet operational.
24	37.15(a)(1)	Include document security features on REAL ID DL/ID cards that are not capable of being reproduced using technologies that are commonly used and made available to the general public.	Compliant	
25	37.15(d)	Conduct a review and submit a report to DHS on card design and the ability of the card to resist forgery and counterfeiting.	Not Compliant	The State will conduct the review in conjunction with its vendor, Digimarc.
26	37.19(a)-(j) 37.21(e)	Include all of the information on the face of the card in the PDF-417 Machine Readable Zone of the card and, in addition, the card design revision date, the inventory control number, and an indication that the license is temporary, or limited term.	Not Compliant	The State will work with Digimarc to meet this requirement.

(\*) As of July 1, 2008

## ***USDHS Proposed Compliance Requirements***

### ***(Remaining 21 Requirements for Full Compliance)***

<b>Milestone Number</b>	<b>6 CFR Section #</b>	<b>Compliance Requirement</b>	<b>Current Status (*)</b>	<b>Barriers To Compliance/Comments</b>
27	37.21	Prior to renewing temporary or limited-term driver's license or identification cards, require applicants to present valid documentary evidence that their qualification is still in effect or that they have qualified for another lawful status and verify information presented through SAVE or another method approved by DHS.	Not Compliant	SAVE is the <u>S</u> ystematic <u>A</u> lien <u>V</u> erification for <u>E</u> ntitlements system. Currently, Alabama is not capable of interfacing with this system; however, Digimarc is working on this. The Department of Public Safety expects to be able to utilize SAVE within the next 90 days.
28	37.23(a)	Have a procedure in place to verify an applicant's identity each time a REAL ID DL/ID card is reissued.	Not Compliant	Currently required for first time applicants only.
29	37.23(b)	Conduct remote re-issuance, if permitted, in accordance with §37.13 verification procedures (excluding re-issuance of duplicate cards).	Not Compliant	The required databases are not yet operational.
30	37.23(c)	Require in person re-issuance when there is any material change in personally identifiable information since prior issuance, as defined in §37.03. Such information shall be verified as specified in §37.13.	Compliant	
31	37.25(a)(1)-(3)	Prior to renewing a REAL ID DL/ID card, the State will take an updated photograph of all holder's of REAL ID driver's licenses and identification cards no less frequently than every sixteen years and will re-verify applicant's social security number and lawful status, as well as information it was unable to verify at previous issuances or renewals because systems or processes did not exist.	Not Compliant	Currently, social security number verification is required for first time applicant's only. Lawful status will be checked once appropriate databases are operational (SAVE).

(\*) As of July 1, 2008

## ***USDHS Proposed Compliance Requirements***

### ***(Remaining 21 Requirements for Full Compliance)***

<b>Milestone Number</b>	<b>6 CFR Section #</b>	<b>Compliance Requirement</b>	<b>Current Status (*)</b>	<b>Barriers To Compliance/Comments</b>
32	37.25(b)(1)-(2)	If remote REAL ID renewals are permitted, the State must re-verify the applicant's information through SAVE and SSOLV (or other methods approved by DHS) and prohibit the remote renewal of REAL ID DL/ID cards when there is a material change in personally identifiable information, as defined by §37.03.	Not Compliant	Currently, social security number verification is required for first time applicant's only. Lawful status will be checked once appropriate databases are operational (SAVE).
33	37.29	Not permit an individual to hold more than one REAL ID document and no more than one DL. Prior to issuing a REAL ID driver's license, query other States to determine if applicant has been already issued a driver's license or REAL ID identification card. Confirm that the other card has been, or is being terminated. Prior to issuing a REAL ID identification card, query other States to determine if applicant has already been issued a REAL ID DL/ID. Confirm that the other card has been, or is being terminated.	Not Compliant	Appropriate Federal databases are not yet operational.
34	37.31(a)(1)-(3)	Retain copies of the application, declaration and source documents. Paper copies and microfiche must be retained for seven years. Digital images must be retained for a minimum of ten years.	Not Compliant	The State will use vendors Digimarc and Viisage.

(\*) As of July 1, 2008



## ***USDHS Proposed Compliance Requirements***

### ***(Remaining 21 Requirements for Full Compliance)***

<b>Milestone Number</b>	<b>6 CFR Section #</b>	<b>Compliance Requirement</b>	<b>Current Status (*)</b>	<b>Barriers To Compliance/Comments</b>
35	37.31(b)(1)-(3)	If digital imaging is used to retain source documents, the State will store photo images in a JPEG compatible format; store document and signature images that are compressed in Tagged Image Format (TIF) or comparable standard; and require that all images are retrievable by the DMV if properly requested by law enforcement.	Compliant	
36	37.33(a)-(b)	Maintain a DMV database containing, at a minimum, items identified in §37.33(a)(1)-(4).	Not Compliant	§37.33(a)(1)-(4) states that States must maintain a State motor vehicle database that contains, at a minimum, (1) All data field printed on driver's licenses and identification cards issued by the State, individual serial numbers of the card, and SSN; (2) A record of the full legal name and recorded name established under §37.11(c)(2) as applicable, without truncation; (3) All additional data field included in the MRZ but not printed on the driver's license or identification card; and (4) Motor vehicle driver's histories, including motor vehicle violations, suspensions, and points on driver's licenses.
37	37.41(b)(4)	Implement documented procedures for controlling access to facilities and systems involved in the enrollment, manufacture, production and issuance of DL/IDs.	Not Compliant	DPS does not have a documented security plan yet. Digimarc will be consulted on facets dealing with access to systems.

(\*) As of July 1, 2008

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***USDHS Proposed Compliance Requirements***  
***(Remaining 21 Requirements for Full Compliance)***

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<b>Milestone Number</b>	<b>6 CFR Section #</b>	<b>Compliance Requirement</b>	<b>Current Status (*)</b>	<b>Barriers To Compliance/Comments</b>
38	37.43	Ensure the physical security of locations where driver's licenses and identification cards are manufactured or produced and the security of document materials and papers of which such cards are produced.	Not Compliant	DPS does not have a documented security plan yet. Digimarc will be consulted on facets dealing with access to systems.
39	37.55	Subject Final Certification package, to include the following: full compliance certification checklist; attorney general letter; certification by highest level executive official in state overseeing DMV; description of states exceptions process per §37.11(h); wavier process (per §37.45(b)(1)(v)); state security plan (per §37.41).	Not Compliant	This package will be prepared by the DPS when all compliance measurements have been met. Target date is prior to May 11, 2011.

(\*) As of July 1, 2008